

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

<b>SHARIF HASSAN,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>CIVIL ACTION FILE NO.:</b>
<b>v.</b>	)	<b>1:21-CV-04629-TWT</b>
	)	
	)	
<b>CITY OF ATLANTA;</b>	)	
<b>ATLANTA POLICE OFFICER</b>	)	
<b>FRANCESCA BARBER,</b>	)	
<b>ID No. 6428 sued</b>	)	
<b>in her individual capacity; and</b>	)	
<b>JANE AND JOHN DOES Nos. 1-2,</b>	)	
<b>current or former employees</b>	)	
<b>of the Atlanta Police Department sued in</b>	)	
<b>their individual capacities,</b>	)	
	)	
<b>Defendants.</b>	)	

**DEFENDANTS' CITY OF ATLANTA AND OFFICER  
FRANCESCA BARBER ANSWER TO PLAINTIFF'S FIRST AMENDED  
COMPLAINT**

COME NOW, Defendant City of Atlanta (“City”) and Officer Francesca Barber (“Officer Barber”) (collectively, “Defendants”) hereby and respond to Plaintiff’s First Amended Complaint (hereinafter “Complaint”) as follows:

**AFFIRMATIVE DEFENSES**

**FIRST AFFIRMATIVE DEFENSE**

Plaintiff's First Amended Complaint fails to state a claim against Defendants upon which relief can be granted.

**SECOND AFFIRMATIVE DEFENSE**

Defendants assert no actions were taken to deprive Plaintiff of any right, privilege, freedom or immunity secured by the Constitution and laws of the United States of America, the Constitution and laws of the State of Georgia, or the Charter and Code of Ordinances of the City of Atlanta.

**THIRD AFFIRMATIVE DEFENSE**

Defendant Officer Barber is entitled to qualified immunity from claims alleged in Plaintiff's First Amended Complaint; and Defendant has not waived any immunities.

**FOURTH AFFIRMATIVE DEFENSE**

Defendant Officer Barber is entitled to official immunity from claims alleged in Plaintiff's First Amended Complaint and has not waived any immunities.

**FIFTH AFFIRMATIVE DEFENSE**

Defendants are not liable for punitive damages, nor are any such damages warranted in this case.

**SIXTH AFFIRMATIVE DEFENSE**

Defendants did not breach any policy, practice or custom that resulted in any harm to Plaintiff, nor was any policy, practice or custom the moving force behind any harm to Plaintiff.

**SEVENTH AFFIRMATIVE DEFENSE**

At all times relevant to Plaintiff's First Amended Complaint in this case, the actions of the Defendants were taken in good faith and said actions were reasonable, proper and necessary under the circumstances.

**EIGHT AFFIRMATIVE DEFENSE**

At all times relevant to Plaintiff's First Amended Complaint in this case, the actions of Defendants were taken in the good faith exercise of its duties and responsibilities as imposed by law.

**NINTH AFFIRMATIVE DEFENSE**

Plaintiff's claims fail due to an intervening cause.

**TENTH AFFIRMATIVE DEFENSE**

Plaintiff's claims fail for lack of causation.

**ELEVENTH AFFIRMATIVE DEFENSE**

Plaintiff's claims fail for lack of proximate cause.

**TWELFTH AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred by the doctrines of comparative and contributory fault, and/or by the plaintiff's own actions.

**THIRTEENTH AFFIRMATIVE DEFENSE**

To avoid waiving affirmative defenses which may subsequently develop, and in further answer, Defendant states that Plaintiff's First Amended Complaint may be barred by the affirmative defenses stated in F.R.C.P. 26, O.C.G.A. § 9-11-8(c), or any one of them.

Defendant responds to each and every allegation of Plaintiff's First Amended Complaint as follows:

**PARTIES**

1.

Paragraph 1 of the Plaintiff's First Amended Complaint does not levy an allegation against Defendants and therefore does not require a response. To the extent a response is necessary, Defendants deny the allegations contained in Paragraph 1 of Plaintiff's First Amended Complaint.

2.

Defendants admit that the City of Atlanta is a municipal corporation in the State of Georgia. Defendants further admit that former Mayor Keisha Lance Bottoms

and Officer Barber were employed with the City of Atlanta at all times relevant to the Complaint. Defendants deny the remaining allegations contained in Paragraph 2 of Plaintiff's First Amended Complaint, including the footnote.

3.

Defendants admit that Officer Francesca Barber is employed with the Atlanta Police Department. Defendants are without sufficient knowledge and information to admit or deny the remaining allegations contained in Paragraph 3 of Plaintiff's First Amended Complaint; therefore, these allegations are denied.

#### **JURISDICTION AND VENUE**

4.

Defendants admit the allegations contained in Paragraph 4 of Plaintiff's First Amended Complaint.

5.

Defendants admit the allegations contained in Paragraph 5 of Plaintiff's First Amended Complaint.

6.

Paragraph 6 of Plaintiff's First Amended Complaint states a conclusion of law to which no response is required. To the extent that a response is required, Defendant

denies the allegation contained in Paragraph 6 of Plaintiff's First Amended Complaint.

7.

Paragraph 7 of Plaintiff's First Amended Complaint states a conclusion of law to which no response is required. To the extent that a response is required, Defendant denies the allegation contained in Paragraph 7 of Plaintiff's First Amended Complaint.

8.

Defendants admit the allegations contained in Paragraph 8 of Plaintiff's First Amended Complaint.

#### **STATEMENT OF FACTS**

**Plaintiff's statement does not levy an allegation against Defendants and therefore does not require a response. To the extent a response is necessary, Defendants deny this allegation.**

9.

Paragraph 9 of the Plaintiff's First Amended Complaint does not levy an allegation against Defendants and therefore does not require a response. To the extent a response is necessary, Defendants deny the allegations contained in Paragraph 9 of Plaintiff's First Amended Complaint.

10.

Paragraph 10 of the Plaintiff's First Amended Complaint does not levy an allegation against Defendants and therefore does not require a response. To the extent a response is necessary, Defendants deny the allegations contained in Paragraph 10 of Plaintiff's First Amended Complaint.

11.

Paragraph 11 of the Plaintiff's First Amended Complaint does not levy an allegation against Defendants and therefore does not require a response. To the extent a response is necessary, Defendants deny the allegations contained in Paragraph 11 of Plaintiff's First Amended Complaint.

12.

Paragraph 12 of the Plaintiff's First Amended Complaint does not levy an allegation against Defendants and therefore does not require a response. To the extent a response is necessary, Defendants deny the allegations contained in Paragraph 12 of Plaintiff's First Amended Complaint.

13.

Paragraph 13 of the Plaintiff's First Amended Complaint does not levy an allegation against Defendants and therefore does not require a response. To the

extent a response is necessary, Defendants deny the allegations contained in Paragraph 13 of First Amended Complaint.

14.

Paragraph 14 of the First Amended Complaint does not levy an allegation against Defendants and therefore does not require a response. To the extent a response is necessary, Defendants deny the allegations contained in Paragraph 14 of First Amended Complaint.

**Defendants deny the allegation contained in this statement.**

15.

Paragraph 15 of First Amended Complaint contains no factual allegations against Defendants; therefore, no response is required. To the extent that Plaintiff seeks to impose liability against Defendants by asserting the allegations in Paragraph 15, these allegations are denied.

16.

Paragraph 16 of First Amended Complaint contains no factual allegations against Defendants; therefore, no response is required. To the extent that Plaintiff seeks to impose liability against Defendants by asserting the allegations in Paragraph 16, these allegations are denied.

17.

Paragraph 17 of First Amended Complaint contains no factual allegations against Defendants; therefore, no response is required. To the extent that Plaintiff seeks to impose liability against Defendants by asserting the allegations in Paragraph 17, these allegations are denied.

18.

Defendants admit the allegations contained in Paragraph 18 of Plaintiff's First Amended Complaint.

19.

Paragraph 19 of Plaintiff's First Amended Complaint states a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations contained in Paragraph 19.

20.

Defendants deny the allegations contained in Paragraph 20 of Plaintiff's First Amended Complaint.

21.

Defendants deny the allegations contained in Paragraph 21 of Plaintiff's First Amended Complaint.

22.

Defendants deny the allegations contained in Paragraph 22 of Plaintiff's First Amended Complaint.

23.

Defendants admit the allegations contained in Paragraph 23 of Plaintiff's First Amended Complaint.

24.

Defendants deny the allegations contained in Paragraph 24 of Plaintiff's First Amended Complaint.

25.

Defendants deny the allegations contained in Paragraph 25 of Plaintiff's First Amended Complaint.

**Defendants deny the allegation contained in this statement.**

26.

Defendants are without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 26 of Plaintiff's First Amended Complaint; therefore, these allegations are denied.

27.

Defendants are without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 27 of Plaintiff's First Amended Complaint; therefore, these allegations are denied.

28.

Defendants are without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 28 of Plaintiff's First Amended Complaint; therefore, these allegations are denied.

29.

Defendants are without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 29 of Plaintiff's First Amended Complaint; therefore, these allegations are denied.

30.

Defendants are without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 30 of Plaintiff's First Amended Complaint; therefore, these allegations are denied.

31.

Defendants deny the allegations contained in Paragraph 32 of Plaintiff's First Amended Complaint.

32.

Defendants admit the National Guard were present, but denies the remaining allegations contained in Paragraph 32 of Plaintiff's First Amended Complaint.

33.

Defendants are without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 33 of Plaintiff's First Amended Complaint; therefore, these allegations are denied.

34.

Defendants admit the allegations contained in Paragraph 34 of Plaintiff's First Amended Complaint.

35.

Defendants are without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 35 of Plaintiff's First Amended Complaint; therefore, these allegations are denied.

36.

Defendants are without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 36 of Plaintiff's First Amended Complaint; therefore, these allegations are denied.

37.

Defendants admit that an individual fitting the description in Paragraph 36 of Plaintiff's First Amended Complaint was arrested on June 1, 2020, but do not have enough information to admit or deny the remaining allegations in Paragraph 37.

38.

Defendants deny the allegations contained in Paragraph 38 of Plaintiff's First Amended Complaint.

39.

Defendants admit the allegations contained in Paragraph 39 of Plaintiff's First Amended Complaint.

40.

Defendants deny the allegations contained in Paragraph 40 of Plaintiff's First Amended Complaint.

41.

Defendants deny the allegations contained in Paragraph 41 of Plaintiff's First Amended Complaint as stated.

42.

Defendants admit the allegations contained in Paragraph 42 of Plaintiff's First Amended Complaint.

43.

Defendants admit the allegations contained in Paragraph 43 of Plaintiff's First Amended Complaint.

44.

Defendants admit the allegations contained in Paragraph 44 of Plaintiff's First Amended Complaint.

45.

Defendants admit the allegation contained in Paragraph 45 of Plaintiff's First Amended Complaint.

46.

Defendants deny the allegation contained in Paragraph 46 of Plaintiff's First Amended Complaint.

47.

Defendants admit the allegations contained in Paragraph 47 of Plaintiff's First Amended Complaint.

48.

Defendants deny the allegations contained in Paragraph 48 of Plaintiff's First Amended Complaint.

49.

Defendants deny the allegations contained in Paragraph 49 of Plaintiff's First Amended Complaint.

50.

Defendants admit the allegations contained in Paragraph 50 of Plaintiff's First Amended Complaint.

**Plaintiff's statement does not levy an allegation against Defendants and thus does not require a response. To the extent that a response is required, the allegation contained this statement is denied.**

51.

Defendants admit the allegation contained in Paragraph 51 of Plaintiff's First Amended Complaint.

52.

Defendants admit the allegations contained in Paragraph 52 of Plaintiff's First Amended Complaint.

53.

Defendants admit the allegations contained in Paragraph 53 of Plaintiff's First Amended Complaint.

54.

Defendants admit the allegations contained in Paragraph 54 of Plaintiff's First Amended Complaint.

55.

Defendants admit the allegation contained in Paragraph 55 of Plaintiff's First Amended Complaint.

56.

Defendants admit the allegations contained in Paragraph 56 of Plaintiff's First Amended Complaint.

57.

Defendants are without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 57 of Plaintiff's First Amended Complaint; therefore, these allegations are denied.

**Defendants deny the allegation contained in this statement.**

58.

Defendants admit the allegations contained in Paragraph 58 of Plaintiff's First Amended Complaint.

59.

Defendants admit the allegations contained in Paragraph 59 of Plaintiff's First Amended Complaint.

60.

Defendants are without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 60 of Plaintiff's First Amended Complaint; therefore, these allegations are denied.

61.

Defendants are without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 61 of Plaintiff's First Amended Complaint; therefore, these allegations are denied.

62.

Defendants are without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 62 of Plaintiff's First Amended Complaint; therefore, these allegations are denied.

63.

Defendants are without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 63 of Plaintiff's First Amended Complaint; therefore, these allegations are denied.

64.

Defendants are without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 64 of Plaintiff's First Amended Complaint; therefore, these allegations are denied.

65.

Defendants are without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 65 of Plaintiff's First Amended Complaint; therefore, these allegations are denied.

66.

Defendants are without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 66 of Plaintiff's First Amended Complaint; therefore, these allegations are denied.

67.

Defendants are without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 67 of Plaintiff's First Amended Complaint; therefore, these allegations are denied.

68.

Defendants are without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 68 of Plaintiff's First Amended Complaint; therefore, these allegations are denied.

69.

Defendants are without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 69 of Plaintiff's First Amended Complaint; therefore, these allegations are denied.

70.

Defendants are without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 70 of Plaintiff's First Amended Complaint; therefore, these allegations are denied.

71.

Defendants are without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 71 of Plaintiff's First Amended Complaint; therefore, these allegations are denied.

72.

Paragraph 72 of Plaintiff's First Amended Complaint does not contain an allegation against Defendants and therefore does not require a response. To the extent that a response is necessary, the allegations therein are denied.

73.

Defendants are without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 73 of Plaintiff's First Amended Complaint; therefore, these allegations are denied.

74.

Defendants are without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 74 of Plaintiff's First Amended Complaint; therefore, these allegations are denied.

75.

Defendants are without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 75 of Plaintiff's First Amended Complaint; therefore, these allegations are denied.

76.

Defendants are without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 76 of Plaintiff's First Amended Complaint; therefore, these allegations are denied.

77.

Defendants are without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 77 of Plaintiff's First Amended Complaint; therefore, these allegations are denied.

78.

Defendants are without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 78 of Plaintiff's First Amended Complaint; therefore, these allegations are denied.

79.

Paragraph 79 of Plaintiff's First Amended Complaint does not contain an allegation against Defendants and therefore does not require a response. To the extent that a response is necessary, the allegations therein are denied.

80.

Paragraph 80 of Plaintiff's First Amended Complaint does not contain an allegation against Defendants and therefore does not require a response. To the extent that a response is necessary, the allegations therein are denied.

81.

Defendants are without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 81 of Plaintiff's First Amended Complaint; therefore, these allegations are denied.

82.

Defendants are without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 82 of Plaintiff's First Amended Complaint; therefore, these allegations are denied.

83.

Defendants are without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 83 of Plaintiff's First Amended Complaint; therefore, these allegations are denied.

84.

Defendants are without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 84 of Plaintiff's First Amended Complaint; therefore, these allegations are denied.

85.

Paragraph 85 of Plaintiff's First Amended Complaint does not contain an allegation against Defendants and therefore does not require a response. To the extent that a response is necessary, the allegations therein are denied.

86.

Paragraph 86 of Plaintiff's First Amended Complaint does not contain an allegation against Defendants and therefore does not require a response. To the extent that a response is necessary, the allegations therein are denied.

87.

Defendants are without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 87 of Plaintiff's First Amended Complaint; therefore, these allegations are denied.

88.

Defendants are without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 88 of Plaintiff's First Amended Complaint; therefore, these allegations are denied.

89.

Paragraph 89 of Plaintiff's First Amended Complaint does not contain an allegation against Defendants and therefore does not require a response. To the extent that a response is necessary, the allegations therein are denied.

90.

Defendants admit the allegations contained in Paragraph 90 of Plaintiff's First Amended First Amended Complaint.

**Defendants deny the allegation contained in this statement.**

91.

Defendants are without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 91 of Plaintiff's First Amended Complaint; therefore, these allegations are denied.

92.

Defendants are without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 92 of Plaintiff's First Amended Complaint; therefore, these allegations are denied.

93.

Defendants are without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 93 of Plaintiff's First Amended Complaint; therefore, these allegations are denied.

94.

Defendants deny the allegations contained in Paragraph 94 of Plaintiff's First Amended Complaint.

95.

Defendants deny the allegations contained in Paragraph 95 of Plaintiff's First Amended Complaint.

**Defendants deny the allegation contained in this statement.**

96.

Defendants are without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 96 of Plaintiff's First Amended Complaint; therefore, these allegations are denied.

97.

Defendants are without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 97 of Plaintiff's First Amended Complaint; therefore, these allegations are denied.

98.

Defendants are without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 98 of Plaintiff's First Amended Complaint; therefore, these allegations are denied.

99.

Defendants are without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 99 of Plaintiff's First Amended Complaint; therefore, these allegations are denied.

100.

Defendants deny the allegation contained in Paragraph 100 of Plaintiff's First Amended Complaint.

**Defendants deny the allegation contained in this statement.**

101.

Defendants admit the excerpt in enumerated paragraph 101 speaks for itself. Defendant denies the remaining allegations as stated in Paragraph 101 of Plaintiff's First Amended Complaint.

102.

Defendants admit the excerpt in enumerated paragraph 102 speaks for itself. Defendant denies the remaining allegations as stated in Paragraph 102 of Plaintiff's First Amended Complaint.

103.

Defendants deny the allegation contained in Paragraph 103 of Plaintiff's First Amended Complaint.

104.

Defendants admit the allegation contained in Paragraph 104 of Plaintiff's First Amended Complaint.

105.

Defendants deny the allegation contained in Paragraph 105 of Plaintiff's First Amended Complaint.

106.

Defendants deny the allegation contained in Paragraph 106 of Plaintiff's First Amended Complaint.

107.

Defendants deny the allegation contained in Paragraph 107 of Plaintiff's First Amended Complaint as written.

**Defendants deny the allegation contained in this statement.**

108.

Paragraph 108 of Plaintiff's First Amended Complaint states a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny such allegations.

109.

Paragraph 109 of Plaintiff's First Amended Complaint does not contain an allegation against Defendants and therefore does not require a response. To the extent that a response is necessary, the allegations therein are denied.

110.

Paragraph 110 of Plaintiff's First Amended Complaint does not contain an allegation against Defendants and therefore does not require a response. To the extent that a response is necessary, the allegations therein are denied.

111.

Paragraph 111 of Plaintiff's First Amended Complaint does not contain an allegation against Defendants and therefore does not require a response. To the extent that a response is necessary, the allegations therein are denied.

112.

Defendants deny the allegation contained in Paragraph 112 of Plaintiff's First Amended Complaint.

113.

Defendants deny the allegation contained in Paragraph 113 of Plaintiff's First Amended Complaint.

114.

Defendants are without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 114 of Plaintiff's First Amended Complaint; therefore, these allegations are denied.

115.

Defendants deny the allegation contained in Paragraph 115 of Plaintiff's First Amended Complaint.

116.

Defendants admit the excerpt in enumerated Paragraph 116 of Plaintiff's First Amended Complaint speaks for itself.

117.

Defendants deny the allegation contained in Paragraph 117 of Plaintiff's First Amended Complaint.

118.

Defendants deny the allegation contained in Paragraph 118 of Plaintiff's First Amended Complaint.

### **CLAIMS FOR RELIEF**

#### **Count I**

119.

Defendants restates its defenses and responses to Paragraphs 1 through 118 of Plaintiff's First Amended Complaint as if fully set forth herein.

120.

Paragraph 120 of Plaintiff's First Amended Complaint contains only statements of law to which no response is required. To the extent that a response is required, Defendants deny the allegations contained in Paragraph 120 of Plaintiff's First Amended Complaint.

121.

Paragraph 121 of Plaintiff's First Amended Complaint states a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny such allegations.

122.

Defendants deny the allegation contained in Paragraph 122 of Plaintiff's First Amended Complaint.

123.

Paragraph 123 of Plaintiff's First Amended Complaint contains only a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegation contained in Paragraph 123 of Plaintiff's First Amended Complaint.

124.

Defendants deny the allegation contained in Paragraph 124 of Plaintiff's First Amended Complaint.

125.

Defendants deny the allegation contained in Paragraph 125 of Plaintiff's First Amended Complaint.

126.

Defendants deny the allegation contained in Paragraph 126 of Plaintiff's First Amended Complaint.

127.

Defendants are without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 127 of Plaintiff's First Amended Complaint; therefore, these allegations are denied.

128.

Paragraph 128 of Plaintiff's First Amended Complaint states a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny such allegations.

129.

Defendants deny the allegation contained in Paragraph 129 of Plaintiff's First Amended Complaint.

130.

Defendants deny the allegation contained in Paragraph 130 of Plaintiff's First Amended Complaint.

131.

Defendants deny the allegation contained in Paragraph 131 of Plaintiff's First Amended Complaint.

**Count II**

132.

Defendants restates its defenses and responses to Paragraphs 1 through 131 of Plaintiff's First Amended Complaint as if fully set forth herein.

133.

Defendants deny the allegations contained in Paragraph 133 of Plaintiff's First Amended Complaint.

134.

Defendants deny the allegations contained in Paragraph 134 of Plaintiff's First Amended Complaint.

135.

Defendants deny the allegations contained in Paragraph 135 of Plaintiff's First Amended Complaint.

136.

Paragraph 136 of Plaintiff's First Amended Complaint contains only a conclusion of law that does not require a response. To the extent that a response is required, the allegation therein is denied.

137.

Paragraph 137 of Plaintiff's First Amended Complaint contains only a statement of law to which no response is required. To the extent that a response is required, Defendants deny the allegation contained in Paragraph 137 of Plaintiff's First Amended Complaint.

138.

Defendants deny the allegations contained in Paragraph 138 of Plaintiff's First Amended Complaint.

139.

Defendants deny the allegations contained in Paragraph 139 of Plaintiff's First Amended Complaint.

**Count III**

140.

Defendants restates its defenses and responses to Paragraphs 1 through 139 of Plaintiff's First Amended Complaint as if fully set forth herein.

141.

Paragraph 141 of Plaintiff's First Amended Complaint states a conclusion of law to which no response is required. To the extent that a response is required, Defendants deny the allegation contained in Paragraph 141 of Plaintiff's First Amended Complaint.

142.

Defendants deny the allegations contained in Paragraph 142 of Plaintiff's First Amended Complaint.

143.

Defendants deny the allegations contained in Paragraph 143 of Plaintiff's First Amended Complaint.

144.

Defendants deny the allegations contained in Paragraph 144 of Plaintiff's First Amended Complaint.

145.

Defendants deny the allegations contained in Paragraph 145 of Plaintiff's First Amended Complaint.

146.

Defendants deny the allegations contained in Paragraph 146 of Plaintiff's First Amended Complaint.

147.

Defendants deny the allegations contained in Paragraph 147 of Plaintiff's First Amended Complaint.

**Count IV**

148.

Defendants restates its defenses and responses to Paragraphs 1 through 147 of Plaintiff's First Amended Complaint as if fully set forth herein.

149.

Defendants admit that property on an arrestee's person is generally confiscated and inventoried upon their detention. Defendants deny the remaining allegations contained in Paragraph 149 of Plaintiff's First Amended Complaint.

150.

Defendants are without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 150 of Plaintiff's First Amended Complaint; therefore, these allegations are denied.

151.

Defendants are without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 151 of Plaintiff's First Amended Complaint; therefore, these allegations are denied.

152.

Paragraph 152 of Plaintiff's First Amended Complaint contains only a legal conclusion and thus no response is required. To the extent a response is required, the allegation therein is denied.

153.

Paragraph 153 of Plaintiff's First Amended Complaint contains only a legal conclusion and thus no response is required. To the extent a response is required, the allegation therein is denied.

154.

Paragraph 154 of Plaintiff's First Amended Complaint contains only a legal conclusion and thus no response is required. To the extent a response is required, the allegation therein is denied.

155.

Paragraph 155 Plaintiff's First Amended Complaint does not levy an allegation against Defendants and thus does not require a response. To the extent that a response is required, the allegations therein are denied.

156.

Paragraph 156 of Plaintiff's First Amended Complaint does not levy an allegation against Defendants and thus does not require a response. To the extent that a response is required, the allegations therein are denied.

157.

Defendants do not have sufficient knowledge or information to admit or deny the allegations set forth in Paragraph 157 of Plaintiff's First Amended Complaint. Therefore, these allegations are denied.

158.

Defendants deny the allegations set forth in Paragraph 158 of Plaintiff's First Amended Complaint.

159.

Defendants deny the allegations set forth in Paragraph 159 of Plaintiff's First Amended Complaint.

**Count V**

160.

Defendants restates its defenses and responses to Paragraphs 1 through 159 of Plaintiff's First Amended Complaint as if fully set forth herein.

161.

Defendants deny the allegations contained in Paragraph 161 of Plaintiff's First Amended Complaint.

162.

Defendants deny the allegations contained in Paragraph 162 of Plaintiff's First Amended Complaint.

163.

Defendants deny the allegations contained in Paragraph 163 of Plaintiff's First Amended Complaint.

**Count VI**

164.

Defendants restates its defenses and responses to Paragraphs 1 through 163 of Plaintiff's First Amended Complaint as if fully set forth herein.

165.

Defendants deny the allegations contained in Paragraph 165 of Plaintiff's First Amended Complaint.

166.

Defendants deny the allegations contained in Paragraph 166 of Plaintiff's First Amended Complaint.

167.

Defendants deny the allegations contained in Paragraph 167 of Plaintiff's First Amended Complaint.

168.

Defendants deny the allegations contained in Paragraph 168 of Plaintiff's First Amended Complaint.

169.

Defendants deny the allegations contained in Paragraph 169 of Plaintiff's First Amended Complaint as stated.

170.

Defendants deny the allegations contained in Paragraph 170 of Plaintiff's First Amended Complaint as stated.

171.

Defendants deny the allegations contained in Paragraph 171 of Plaintiff's First Amended Complaint as stated.

172.

Defendants deny the allegations contained in Paragraph 172 of Plaintiff's First Amended Complaint.

173.

Defendants deny the allegations contained in Paragraph 173 of Plaintiff's First Amended Complaint as written.

174.

Defendants deny the allegations contained in Paragraph 174 of Plaintiff's First Amended Complaint as written.

175.

Defendants deny the allegations contained in Paragraph 175 of Plaintiff's First Amended Complaint.

176.

Defendants deny the allegations contained in Paragraph 176 of Plaintiff's First Amended Complaint.

**Count VII**

177.

Defendants restates its defenses and responses to Paragraphs 1 through 176 of Plaintiff's First Amended Complaint as if fully set forth herein.

178.

Paragraph 178 of Plaintiff's First Amended Complaint states a conclusion of law to which no response is required. To the extent that a response is required, Defendants deny the allegation contained in Paragraph 178 of Plaintiff's First Amended Complaint.

179.

Defendants deny the allegations contained in Paragraph 179 of Plaintiff's First Amended Complaint.

180.

Defendants deny the allegations contained in Paragraph 180 of Plaintiff's First Amended Complaint as stated.

181.

Defendants deny the allegations contained in Paragraph 181 of Plaintiff's First Amended Complaint.

182.

Defendants deny the allegations contained in Paragraph 182 of Plaintiff's First Amended Complaint.

183.

Defendants deny the allegations contained in Paragraph 183 of Plaintiff's First Amended Complaint.

184.

Defendants deny the allegations contained in Paragraph 184 of Plaintiff's First Amended Complaint.

185.

Paragraph 185 does not levy an allegation against Defendants and therefore does not require a response. To the extent a response is required, any allegations therein are denied.

186.

Paragraph 186 does not levy an allegation against Defendants and therefore does not require a response. To the extent a response is required, any allegations therein are denied.

**WHEREFORE**, any other allegations contained in any subparagraph or subpart, whether numbered or unnumbered, which is not specifically responded to

in this Answer, is specifically denied by the Defendants. The Defendants further denies liability to the Plaintiff if any matter or that the Plaintiff is entitled to any relief as prayed for in Plaintiff's prayer for relief.

**WHEREFORE**, having fully answered withing the time prescribed by law, the Defendants prays that all of Plaintiff's claims be dismissed with prejudice and all costs associated with this action be cast upon Plaintiff.

Respectfully submitted this 2nd day of August 2022.

*/s/ Hermise Pierre*  
**LAURA T. YELLIG**  
**Attorney**  
Georgia Bar No. 982299  
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ltyellig@atlantaga.gov  
**HERMISE PIERRE**  
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Atlanta, Georgia 30303-3520  
Telephone: (404) 546-4100  
Fax: (404) 588-3239

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

<b>SHARIF HASSAN,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>CIVIL ACTION FILE NO.:</b>
	)	
<b>v.</b>	)	<b>1:21-CV-04629-TWT</b>
	)	
	)	
<b>CITY OF ATLANTA;</b>	)	
<b>ATLANTA POLICE OFFICER</b>	)	
<b>FRANCESCA BARBER,</b>	)	
<b>ID No. 6428 sued</b>	)	
<b>in her individual capacity; and</b>	)	
<b>JANE AND JOHN DOES Nos. 1-2,</b>	)	
<b>current or former employees</b>	)	
<b>of the Atlanta Police Department sued in</b>	)	
<b>their individual capacities,</b>	)	
	)	
<b>Defendants.</b>	)	

**CERTIFICATE OF SERVICE**

This is to certify that I have served the foregoing ***DEFENDANTS' CITY OF ATLANTA AND OFFICER FRANCESCA BARBER ANSWER TO PLAINTIFF'S FIRST AMENDED COMPLAINT*** upon opposing counsel listed below via this Court's CM/ECF system as follows:

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Respectfully submitted this 2nd day of August 2022.

*/s/ Hermise Pierre*  
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